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PUBLIC SERVICE
COMMISSION

August 1, 2008

Stephanie L. Stumbo
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40601

*RE: An Investigation Into The Traffic Dispute Between Windstream Kentucky
East, LLC, Brandenburg Telephone Company And MCImetro Access
Transmission Services, LLC d/b/a Verizon Access
Case No. 2008-00203*

Dear Ms. Stumbo:

Filed today is MCImetro Access Transmission Services LLC's Motion for Confidential Treatment as well as the original, executed Certifications previously filed with our responses to data requests from the Commission staff, Windstream, and Brandenburg Telephone Company.

Please indicate receipt of these filings by placing your file stamp on the extra copies and returning to me via the enclosed self-addressed, stamped envelope.

Very truly yours,

STOLL KEENON OGDEN PLLC


Douglas F. Brent

DFB:

Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE TRAFFIC)
DISPUTE BETWEEN WINDSTREAM)
KENTUCKY EAST, LLC, BRANDENBURG) CASE NO. 2008-00203
TELEPHONE COMPANY AND MCIMETRO)
ACCESS TRANSMISSION SERVICES, LLC)
d/b/a VERIZON ACCESS)

MCIMETRO'S MOTION FOR CONFIDENTIAL TREATMENT

MCImetro Access Transmission Services LLC, ("MCImetro") petitions the Public Service Commission of Kentucky ("Commission") pursuant to 807 KAR 5:001, Section 7, to grant confidential protection to certain infrastructure information it is filing in response to Data Request No. 10 of Brandenburg Telephone Company in this case. In support of this Petition, MCImetro states as follows:

1. By Order of July 17, 2008, the Commission established a procedural schedule providing for discovery among parties.

2. Brandenburg served data requests on MCImetro, including Request No. 10, which states:

"Please identify the *physical address* and V&H coordinates of the point(s) of interface within the Louisville LATA where Windstream Kentucky East, LLC ("Windstream") delivers MCImetro traffic that is both originated by Windstream end-users and is routed to MCImetro customers using an NPA-NXX that is associated with the rate-center area of Elizabethtown." (emphasis added)

3. MCImetro's response includes street addresses of several Windstream communications facilities.

4. On June 20, 2005, the Kentucky General Assembly amended the Kentucky Open Records Act to protect from disclosure certain information that has a reasonable likelihood of threatening public safety by exposing a vulnerability "in preventing, protecting against, mitigating, or responding to a terrorist act." KRS 61.878(1)(m). This includes infrastructure records exposing such a vulnerability in the location, configuration, or security of critical systems, including communication systems. KRS 61.878(1)(m)(1)(f).

5. The information provided in response to Request No. 10 reveals information regarding Windstream facility locations, including where other carriers may interconnect with Windstream or otherwise exchange traffic. If such information is made available in the public record, individuals seeking to induce public harm will have critical information. Knowledge of such vulnerabilities may allow such a person to cause public harm through the disruption of the public switched network.

6. The information contained in response to Request No. 10 includes information generally not disclosed outside the telecommunications industry, and within the industry it is disclosed only to employees with a legitimate business need to know and act upon the information. As this information relates primarily to Windstream, MCImetro acts out of an abundance of caution in filing this petition.

13. The information provided in response to Request No. 10 demonstrates on its face that it merits confidential protection. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of MCImetro (and Windstream) and supply the Commission with a complete record to enable it to reach a

decision with regard to this matter. *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App., 642 S.W.2d 591, 592-94 (1982).

14. MCImetro does not object to disclosure of the confidential information, pursuant to a protective agreement, to parties with a legitimate interest in reviewing the confidential information for the purpose of assisting the Commission's review in this proceeding. A proposed protective agreement has been sent to parties in this case.

15. In accordance with the provisions of 807 KAR 5:001 Section 7, one copy of MCImetro's confidential response to Brandenburg Request No. 10 is filed herewith. Ten (10) copies of MCImetro's response without the confidential information have already been filed with the Commission.

WHEREFORE, MCImetro respectfully requests that the Commission grant confidential protection, or in the alternative, schedule an evidentiary hearing on all factual issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'NBA' with a long horizontal stroke extending to the right.

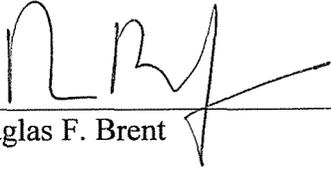
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petition of Confidential Treatment has been served by first class mail on those persons whose names appear below this 1st day of August, 2008.

Bruce F. Clark
STITES & HARBISON, PLLC
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John E. Selent
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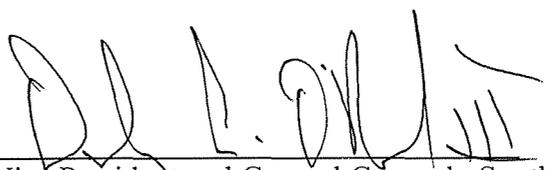


Douglas F. Brent

CERTIFICATION

STATE OF GEORGIA)
)
COUNTY OF FULTON)

The undersigned, Dulaney L. O’Roark III, deposes and says that he is the Vice President and General Counsel for the Southeast Region for Verizon, that he has supervised the preparation of the responses on behalf of MCImetro Access Transmission Services LLC, and that the responses are true and accurate to the best of his knowledge, information, and belief formed after a reasonable inquiry.



Vice President and General Counsel –Southeast
Verizon

Subscribed and sworn to before me, a Notary Public in and before said County and State,
this 31 day of July, 2008.

 (SEAL)

Notary Public

My Commission Expires:

